

Orientation Handbook

Advisory Boards and Commissions



TABLE OF CONTENTS

Section 1: PURPOSE OF THIS HANDBOOK	1
Section 2: CITY OF BURIEN – Government overview	1
STRUCTURE OF THE CITY OF BURIEN GOVERNMENT.....	1
A. City Council	1
B. Ordinances.....	1
C. Resolutions	2
D. City Manager	2
E. Comprehensive Plan.....	2
F. Advisory Boards and Commissions.....	2
STRUCTURE OF EACH ADVISORY BODY	2
A. Role of Each Advisory Body	2
B. Appointments Process.....	3
C. Guidelines	3
D. Purpose of the Planning Commission.....	3
E. Purpose of the Parks & Recreation Advisory Board	3
F. Purpose of the Arts Commission	3
G. Purpose of the Business Economic Development Partnership (“BEDP”).....	4
H. Purpose of the Human Services Commission.....	4
DUTIES OF AN ADVISORY BODY MEMBER	4
A. General Duties.....	4
B. Restrictions and Requirements	4
C. Benefits and Challenges of Membership	5
ROLE OF THE CHAIR.....	5
A. Appointment	5
B. Voting and Setting the Agenda.....	5
MEETING ATTENDANCE AND PARTICIPATION	6
A. Absences.....	6
B. Meeting Schedule.....	6
MEETING PREPARATION	6
POLICYMAKING RECOMMENDATION.....	7

A. Public Policy.....	7
B. Making Recommendations to the City Council	7
C. Guiding Policy Documents.....	8
BUDGET PROCESS.....	8
A. City Budget Process	8
B. Raising Money through Grants.....	8
CONDUCTING BUSINESS.....	8
A. Open Public Meetings Act (“OPMA”)	8
B. Ethics and the Appearance of Fairness	9
C. Quorum	9
D. Order of Business	9
F. Ballot Measures.....	9
G. Legal Counsel.....	10
H. Testifying Before the Council and at Hearings	10
I. Effective Testimony	10
BURIEN COMMUNICATIONS	10
A. Communicating with the Media.....	10
B. Burien Publications.....	11
C. Government Access and the Website	11
STAFF TO THE BOARDS AND COMMISSIONS	11
Section 4: EXHIBITS.....	11
Email Communications Policy	11
Code of Ethics.....	11
Open Public Meetings Act (“OPMA”) and Public Records Act (“PRA”) Basics	11
Burien Municipal Code (“BMC”) Chapter 2.50 - Boards and Commissions	11

SECTION 1: PURPOSE OF THIS HANDBOOK

In this handbook, you will find an overview of the various functions of the City of Burien’s many appointed governing bodies, information regarding Burien’s administrative structure, an overview of the City of Burien Code of Conduct, and the Washington State Open Public Meetings Act (“OPMA”).

This handbook is intended to be flexible, and this is not an in-depth overview of the specific administrative procedures, regulations, and municipal codes that are relevant to a particular board, commission, and committee (“Advisory Body”). An Advisory Body is encouraged to recommend procedures defining agreed-upon methods to conduct their business.

Burien values the effort and time commitment that its volunteers give to the people of Burien. Working on an Advisory Body can be time-consuming and challenging. Volunteers with questions regarding any information in this book are encouraged to contact the City Manager’s Office, the City Attorney, or the Staff Liaison assigned to your Advisory Body.

SECTION 2: CITY OF BURIEN – GOVERNMENT OVERVIEW

The City Vision was adopted by the Burien City Council on July 11, 2011:

The Vision for Burien: “A vibrant and creative community, where the residents embrace diversity, celebrate arts and culture, promote vitality, and treasure the environment.”

Burien became an incorporated city on February 28, 1993.

STRUCTURE OF THE CITY OF BURIEN GOVERNMENT

A. CITY COUNCIL

Burien is a noncharter municipal code city with a Council/Manager form of government. Citizens elect seven council members, who in turn appoint a City Manager to guide day-to-day operations. Every two years, the Councilmembers vote to appoint one member as the Mayor that, in this form of government, is more ceremonial in nature as compared to cities that have a “strong mayor” (aka. an elected mayor). Every year the Councilmembers vote to elect a Deputy Mayor.

Burien City Council is the legislative body of the City of Burien. The Council formulates and adopts Burien’s policies, budget, confirms appointments, and grants franchises. The seven non-partisan City Council members are all elected at-large to staggered four-year terms.

B. ORDINANCES

The Council passes the ordinances that comprise the Burien Municipal Code (Burien’s governing laws). Proposed ordinances come before the City Council in several ways. The Council may ask a board or commission to prepare an ordinance for consideration, the Council or Councilmembers may draft an ordinance, or the Council may ask staff to prepare an ordinance.

After an ordinance is placed on the agenda it generally has two readings: first and final. The first reading is the introduction to and the discussion of the ordinance. The Council may amend the ordinance at this time. The final reading is when the “final” ordinance is presented for final passage. A Council majority is required to adopt an ordinance.

C. RESOLUTIONS

The Council may also pass resolutions. Resolutions generally represent the Council’s intention, opinion, or thinking on a topic. A resolution is not law; it is a guiding principle.

D. CITY MANAGER

The City Manager is Burien’s chief executive officer and serves at the pleasure of the City Council. The Council appoints the City Manager to administer Burien’s day-to-day operations, hire and manage staff, and execute City Council policies and objectives. The City Manager works with and manages Burien’s departments to carry out the policies adopted by the City Council. The City Manager appoints all department directors. Department directors report directly to the City Manager.

E. COMPREHENSIVE PLAN

The fundamental policy document for Burien is the Comprehensive Plan. The City of Burien Comprehensive Plan was adopted in 1997 and has been amended several times since then, most recently in 2020. The Comprehensive Plan policies provide guidance and direction for programs and services Burien provides.

F. ADVISORY BOARDS & COMMISSIONS

To achieve its mission and reach for its vision, the City of Burien relies on the input of its residents. This includes relying on Advisory Body for advice and recommendations to the City Council.

The City Council provides opportunities for the public to participate in city government through each Advisory Body. The purpose of this Handbook is to provide information and definitions regarding each Advisory Body and to establish an appointment process that ensures a balance of viewpoints representative of the community that is open and fair to all involved.

The City Council has created six advisory boards, commissions, and committees:

- Planning Commission (“PC”)
- Parks and Recreation Advisory Board (“P-RAB”)
- Arts Commission (“AC”)
- Burien Business and Economic Development Partnership (“BEDP”)
- Human Services Commission (“HSC”)

STRUCTURE OF EACH ADVISORY BODY

A. ROLE OF EACH ADVISORY BODY

Each advisory board, commission, and committee serves as an Advisory Body that advises the Burien City Council on discrete issues that relate to that Advisory Body’s functions or duties, or at the City Council’s request. Although an Advisory Body may make important recommendations about policy, an Advisory Body does not have the authority to create or administer policy, programs, or services; or to enforce policies or rules. However, the analysis and recommendations provided by each Advisory Body plays an important role in furthering the effective operation of the city government and various departments. Advisory Body members provide an important link between and among the public, the Council, and the City Manager. The information that Advisory Body members provide about community needs and opinions can have a profound effect on local policies and lead to improved or new services.

B. APPOINTMENTS PROCESS

Unless state law requires otherwise, all appointments shall be made by a City Council majority vote. In the first quarter of each year, in conjunction with the Communications Division, the City Clerk's Office publicizes vacancies for Burien's boards, commissions, and committees through various means. Standard application forms are provided electronically, but the staff liaisons assist with providing printed applications to interested parties. The recruitment period ends on February 15 each year but may be extended to ensure a sufficient number of candidates. Applications for Burien boards and commissions are received by the City Clerk's Office.

C. GUIDELINES

The City Council generally interviews applicants for boards and commissions each March. In the event of scheduling conflicts or workload demands, alternate dates may be selected. After conducting interviews, the City Council appoints new members to terms that begin in April.

D. PURPOSE OF THE PLANNING COMMISSION

The Planning Commission advises and provides recommendations to the City Council on Burien's future growth through analysis, review, and recommendations regarding Burien's Comprehensive Plan and related land use documents. These documents include the official zoning map, zoning code, subdivision code, State Environmental Policy Act (SEPA) code and policy statements, and studies related to the Comprehensive Plan and development regulations. The Planning Commission reviews all proposed amendments to the Comprehensive Plan and periodically reviews special studies completed to keep the Comprehensive Plan current.

Planning Commissioners learn the many facets of development regulations, interact with a wide variety of Burien businesses and residents participating in shaping Burien's future, and assume an active role in regulation changes involving zoning and land use activity.

E. PURPOSE OF THE PARKS & RECREATION ADVISORY BOARD

PaRCS Board responsibilities are limited to Burien parks and Burien parks-related activities and programs. The PaRCS Board considers Burien's parks and recreational needs and advises the City Council and staff concerning parks and recreation acquisition, development, improvement, maintenance, operation, planning, promotion, or use in Burien. Residents are appointed to the position based on a demonstrated interest in parks and recreation, dedication to representing the interests of the public, and to some degree, based on professional training or expertise in related fields.

PaRCS Board members provide information about community needs and the Board's opinions can have a profound effect on local policies and lead to improved services.

F. PURPOSE OF THE ARTS COMMISSION

The Arts Commission reviews and advises the City Council on policies, programs, incentives, and regulations that serve to promote and nurture the arts as an essential component of our community. Additionally, the Arts Commission works to further public awareness of and interest in fine and performing arts and cultural activities in Burien, and advises the City Council and staff on the receipt of or purchase of artworks to be placed on municipal property.

The Arts Commission represents the public's views and needs about art and culture to the Burien City Council. The Arts Commission advises the City Council on public art, Arts and Culture Grants, and cultural activities.

G. PURPOSE OF THE BUSINESS ECONOMIC DEVELOPMENT PARTNERSHIP (“BEDP”)

The BEDP makes recommendations to the City Council on Burien’s economic development efforts. The BEDP provides guidance and advice to the City Council on Burien’s future economic development through review of updates to the Economic Development Element of Burien’s Comprehensive Plan, and to advise the City Council on other economic development programs and priorities, as well as related regulations and programs. Policy areas may include economic development, parking, signage, transportation, and other business-related policies.

The BEDP reviews all proposed amendments to the Economic Development Element of the Comprehensive Plan and periodically reviews special studies related to economic development. The BEDP allows community members to participate in Burien’s economic development efforts through policy development and public participation. BEDP members learn about many aspects of the local and regional economies as well as the regulations that govern new and existing developments. BEDP members provide an important link between and among the public and the Council and the City Manager. The information that BEDP members provide about community needs and opinions can have a profound effect on local policies and lead to improved services.

H. PURPOSE OF THE HUMAN SERVICES COMMISSION

The Human Services Commission provides guidance and direction to the City Council on human services issues in Burien and human services funding allocations. Commission members are appointed based on their knowledge of and experience in the provision of human services, preferably with knowledge of issues in Burien.

The Human Services Commission aims to maintain and enhance the quality of life for the community through the provision and support of effective and accessible human services that are culturally relevant, physically accessible, near adequate public transportation, affordable, and immediate.

DUTIES OF AN ADVISORY BODY MEMBER

A. GENERAL DUTIES

The general duties of an Advisory Body member may be summarized as follows:

- Provide a forum for public involvement in the preparation of policies and regulations governing the various policies and services provided by the City of Burien.
- Build cooperative working relationships with Burien officials and staff with a common interest in the development and improvement of Burien’s policies and services.
- Assist the City Council in the planning for and provision of services to meet current and projected needs through recommendations.
- Regularly attend meetings, vote, and be committed to board and commission activities.
- Be well-informed on issues and agenda items in advance of meetings.

B. RESTRICTIONS AND REQUIREMENTS

Advisory Body members should be aware of certain restrictions and requirements that may affect their tenure.

- Advisory Body members must comply with Burien’s ordinances.
- To ensure accountability, all board and commission policies must be in writing.
- No Advisory Body members may make unilateral decisions on behalf of the Advisory Body or act without the consent of the Advisory Body.

- Individual Advisory Body members must avoid the appearance of speaking for the Advisory Body or Burien unless specifically authorized to do so.
- The Advisory Body does not direct the activities of the staff. The City Manager is responsible for staffing boards and commissions and managing the staff's daily work priorities.
- All communications are public records and must be handled appropriately. More information on this topic is covered in OPMA training and the attached Email Policy.

C. BENEFITS AND CHALLENGES OF MEMBERSHIP

Serving as a volunteer on an Advisory Body has benefits and challenges. When anyone is thinking about joining or remaining on an Advisory Body that person should consider the following:

Benefits. Advisory Body members:

- May influence the development of proposed plans and board or commission decisions based on early access to information.
- Have an opportunity to learn about broader aspects of government based on their participation on a board or commission.
- Have an opportunity to meet new people and work on behalf of the community.
- Have an opportunity to assist the community and make improvements within the City of Burien.

Challenges. Advisory Body members:

- May have to learn and understand large amounts of technical information.
- May have to subordinate personal preferences or projects for the benefit of the entire community.
- May have to balance competing needs to allocate public resources, including staff support.
- Must remember that Burien directors and staff assigned to the boards and commissions have additional responsibilities beyond the support they provided to the boards and commissions. Directors and staff may work with multiple boards or commissions, the City Council, outside agencies, and have their daily responsibilities to complete.
- Must understand that some community members may not understand or appreciate the competing interests that Advisory Body members are considering in making decisions.

ROLE OF THE CHAIR

A. APPOINTMENT

Advisory Body members select annually from their members a Chair and a Vice-Chair. The Chair serves for one year and may be reappointed. The Chair is responsible for the following:

- In concert with the staff liaison, developing meeting agendas.
- Running the meetings and providing leadership to the commission or board.
- Serving as the point of contact with staff liaisons.
- Attending other meetings as needed on behalf of the commission or board.

B. VOTING AND SETTING THE AGENDA

The Chair is a voting member of the board or commission. All votes, discussions, and deliberations are public. In accordance with RCW 42.30.060, voting by secret ballot is prohibited. The Chair works with

the staff to develop meeting agendas. Members should inform staff and the Chair before the meeting if they would like a specific item included on the agenda.

In addition to setting the agenda, the Chair is responsible for the following during each board or commission meeting:

- Keeping the discussion on the topic.
- Clarifying and rephrasing discussion.
- Ensuring that members of that board or commission are heard on any given topic.
- Managing the pace of the meeting.
- Separating areas of agreement from areas of disagreement.
- Summarizing discussions.
- Managing conflict.

MEETING ATTENDANCE AND PARTICIPATION

Regular attendance enables Advisory Body members to keep abreast of community concerns and ensures that issues are examined from a variety of perspectives. You never know when your observation may help other members understand an important point. That cannot happen if you fail to attend.

A. ABSENCES

If a Advisory Body member has more than three (3) consecutive unexcused absences, or absences totaling 25 percent of the regularly scheduled meetings for the calendar year, the City Council may remove that member.

Advisory Body members who are absent from a significant number of meetings should contact the Chair to discuss their participation. Burien understands the need to balance family and work obligations with the needs of the board or commission.

Advisory Body members may excuse absences if the absent member notified the Chair and staff liaison of the absence in advance.

To allow for as much participation as possible, all Advisory Body meetings will have the option of a member attending the meeting virtually.

B. MEETING SCHEDULE

An Advisory Body generally meets once or twice a month. In accordance with RCW 42.30.075, at the beginning of each year the Advisory Body will vote on the following year's schedule. An Advisory Body may reassess times or/dates to change the official schedule, however the staff liaison must publicly notice the official change. If a meeting is ever scheduled outside of the specified schedule, it is considered a Special Meeting and a public notice must be published accordingly. Additionally, if any meeting is cancelled it must be noticed accordingly. Attendance must be taken and recorded at each meeting.

MEETING PREPARATION

Preparation is a prerequisite for effective board or commission participation. Staff liaisons will provide information, proposals, and reports to an Advisory Body to help it make informed decisions. Do not hesitate to ask the Chair to request any additional information that is needed to make thoughtful and appropriate decisions.

Effective Advisory Body members:

- Remember that authority to advise or recommend is granted to the Advisory Body as a whole, not to individual members.
- Attend all regularly scheduled and special meetings.
- Arrive well-prepared and on time for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the group must operate in an open and public manner.
- Become knowledgeable about how laws and decisions are made and issues affecting the board or commission.
- Examine all available evidence before making a judgment.
- Communicate effectively and actively participate in group discussions.
- Possess a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary.
- Are expected to work with all the other members of the group. If one member has a personal conflict with other members or with the staff, that member shall contact the Chair or the department director for the department which provides staff support.
- Recognize that while the City Council created the Advisory Board to receive educated recommendations on topics, Advisory Body members understand and accept that they may only offer recommendations on items within their Council-assigned authority and that the City Council may not follow the Advisory Body's recommendation.

POLICYMAKING RECOMMENDATION

A. PUBLIC POLICY

Advisory Body members should be knowledgeable about the Advisory Body's policies. Members must understand the fundamental meaning and characteristics of a policy. Burien's primary policy making body is the Burien City Council. Advisory Body members should familiarize themselves with relevant policies.

- A policy is a document outlining a course of action, guidelines, or rules for Burien employees, officers, officials, representatives, and volunteers.
- Policies are intended to be guiding principles defining an organization's intent and direction.
- Policies are broad so that they may remain applicable and usable for a long time.
- Policies should not be so detailed that they dictate how, when, or where things must be done.
- Policies may be abolished, amended, or rewritten.
- Policies should be reviewed periodically to ensure that the information is still relevant.
- Policies should be written clearly and concisely.

Policy recommendations prepared by boards and commissions will be submitted to the City Council for review and consideration.

B. MAKING RECOMMENDATIONS TO THE CITY COUNCIL

The City Manager or the City Council may request that an Advisory Body make a recommendation on a specific item. When presenting recommendations to the Advisory Body members must keep the following in mind:

- All Advisory Body recommendations to the City Council should be submitted in an Agenda Bill. The staff can assist in preparing recommendations.
- All ideas should be expressed in clear and concise language.
- Proposed solutions should be viable and cost-effective.
- Recommendations should identify the reasons for the changes suggested.
- The recommendation should reflect the *majority opinion* of the Advisory Body members.

C. GUIDING POLICY DOCUMENTS

The guiding law and policy documents in order of priority are the United States Constitution, federal law, the Washington Constitution, Washington law, applicable municipal law, such as the Burien Municipal Code, and any other policy documents that the staff liaison may provide you that is specific to your board or commission.

BUDGET PROCESS

A. CITY BUDGET PROCESS

Local governments in Washington must pass a budget by December 31 of each year. The Burien City Council adopts a biennial budget (two-year budget). In year one of the two-year budget cycle, the budget is adopted and in year two of the cycle, the budget is amended.

Advisory boards and commissions may prepare budget recommendations for projects or programs as requested by the City Council or the City Manager, or as part of the regular yearly budget process.

B. RAISING MONEY THROUGH GRANTS

In addition to Burien’s budget, grant funds are available from a variety of other sources. King County, the State of Washington, and the federal government, and other groups and foundations provide funds for a variety of projects and initiatives. Depending on the grant source, the City Council oftentimes must approve grant applications before they are submitted.

If a board or commission becomes aware of a funding source, it should work with the staff liaison to determine if Burien should apply for a grant and, if so, who will write the grant. Grant writing takes a great deal of time and will require staff to put aside current work to write the grant. The request to refocus staff work needs to be approved by the department director and often by the City Manager.

CONDUCTING BUSINESS

A. OPEN PUBLIC MEETINGS ACT (“OPMA”)

All Advisory Body meetings are open to the public. Though public comment is not required, Burien typically recommends adding it to the agenda to encourage public participation. The public comment period should happen prior to any discussion or debate. The Chair is responsible for managing difficult and disruptive behavior by the public or other members.

All members of an Advisory Body are required to take online training about the OPMA from the Attorney General (provided to you by staff) and provide their certificate of completion within 90 calendar days of their appointment.

Each Advisory Body is required by Burien’s Municipal Code and state law to record a written summary (i.e. minutes) of all meetings. When the Advisory Body approves the minutes, the minutes are posted online by staff and filed with the City Clerk.

All meeting minutes and meeting agendas are posted on the Burien website.

B. ETHICS AND THE APPEARANCE OF FAIRNESS

Members are expected to uphold a high standard of ethics. Advisory Body members must avoid conflicts of interest or even the appearance of conflicts of interest. Generally, a conflict of interest exists when your personal interests or relationships are inconsistent with or may appear to influence your official decision-making duties.

An Advisory Body may recommend rules of procedure governing their operations; these rules must be consistent with state law, the Burien Municipal Code, and any rules set for the board or commission by the City Council and must be approved by the City Council. In the absence of a set of rules, Robert's Rules of Order should be used. If there are concerns or questions, do not hesitate to contact the staff liaison, City Attorney, or City Manager.

C. QUORUM

A majority of the Advisory Body constitutes a quorum for taking action. If a quorum is not present, no action can take place. Therefore, it is recommended that the meeting be adjourned and, if possible, rescheduled.

D. ORDER OF BUSINESS

After the Chair, or in the absence of the Chair, the Vice-Chair, has called the meeting to order, the procedure below is generally followed, however, each commission may add additional items if needed:

- Roll Call
- Agenda Confirmation
- Public Comment
- Approval of Minutes
- Business Agenda (unfinished if applicable, then new business)
- Staff Reports (*if needed*)
- Task Forces or Subcommittee Reports (*if needed*)
- Future Agenda Items or Meeting Calendar
- Adjournment

E. LOBBYING

There is a very fine line between lobbying and advising – individuals lobby while an Advisory Body advises. Members must remember this distinction and should understand that they are in a unique position that allows them to provide information to the City Council so the City Council can make educated decisions on issues. When providing information to City Council, an individual from the Advisory Body must refrain from attempting to influence the passage or defeat of any legislation.

An Advisory Body may request to make a presentation to the City Council to advise them on a topic, or even provide regular updates from the Chair, if so desired. It is up to the City Manager and City Council to decide whether such requests will be approved, and items placed on the agenda.

F. BALLOT MEASURES

Advisory Body members may not use public facilities or any other public resources for campaign purposes. Members cannot promote or oppose any ballot proposition, but the appropriate Advisory Body may make a recommendation to the City Council. RCW 42.17A.555 details the limitations of using public facilities.

G. LEGAL COUNSEL

Burien has legal representation. If a board or commission has a legal question, it may request to speak with the City Attorney. Staff will handle all communication with the City Attorney. The City Attorney is not counsel for individual Advisory Body members or for personal matters.

H. TESTIFYING BEFORE THE COUNCIL AND AT HEARINGS

Advisory Body members may testify at legislative, municipal, or community hearings. When providing testimony on behalf of a board or commission, members must refrain from expressing personal opinions. Give your staff liaison a copy of your written testimony before the hearing. When providing testimony of behalf of themselves as an individual, the member must refrain from referencing their contributions to Burien as an Advisory Body member.

I. EFFECTIVE TESTIMONY

To provide effective testimony at City Council meetings or public hearings on behalf of the Advisory Body, members should keep the following guidelines in mind:

- All testimony should be brief, concise, and honest.
- Don't read a lengthy written report; instead, highlight important points in the written report.
- If others are offering similar testimony, try to coordinate information to avoid repetition.
- Avoid being unnecessarily technical.
- Be prepared to answer questions. If you are unable to answer a question, offer to provide a written response later, and always follow through.
- If you must give a personal opinion, make sure it is understood that you are not speaking for the board or commission.
- When lobbying as an individual, do not identify yourself as a board or commission member.

BURIEN COMMUNICATIONS

A. COMMUNICATING WITH THE MEDIA

The media informs the public about government operations. It is important to maintain a professionally cooperative relationship with the media without violating privacy and other individual rights. The following are suggested guidelines for interacting with the media:

- The best answer may be to ask the media to allow you to have the City Manager respond to the question.
- Burien staff are the main points of contact for all media relations. If you are ever contacted by the media, you must direct them to the staff liaison or City Manager.
- Board or commission members should not use the media or social media to complain about Burien, its boards or commissions, staff, or other board or commission members. If you offer such a comment, you must clarify that the opinion is your personal opinion and not the official opinion of the City of Burien or the board or commission in which you volunteer.
- If you do not know the answer to a question or are unsure about an issue, refer the matter to the staff liaison or the City Manager.
- Your comments in the media could be used as a basis to have you testify in court. Do not risk your integrity or that of another by a thoughtless or indiscrete comment.
- Immediately notify the staff liaison or City Manager if you have spoken with the media about anything that could impact or reflect negatively or positively on the City of Burien, its business, officials, staff, or a board or commission.

B. BURIEN PUBLICATIONS

Burien communicates with the community in several ways. The *Burien Magazine* is a print magazine sent to all Burien households and businesses. Burien maintains a website (burienwa.gov), online magazine website (magazine.burienwa.gov), social media channels, and email newsletters to share news, tell community stories, and share useful resources for the community.

C. GOVERNMENT ACCESS AND THE WEBSITE

Local cable television (Comcast Channel 21 or Centurylink Channel 8027) provides access to the City of Burien government television channel that provides information about the City of Burien and issues that affect Burien. City Council meetings and Planning Commission meetings are broadcasted “live” and later re-broadcast on the government channel daily. Meetings are also streamed “live” to the internet and are eventually made available through Burien’s video-on-demand services.

Burien maintains a comprehensive website at burienwa.gov. Burien strives to make all documents, project reports, and other relevant information available promptly. Meeting agendas and minutes are also posted online, and users may subscribe to be notified when agendas and minutes are posted. All Advisory Body members are subscribed upon appointment. These are maintained at burienwa.civicweb.net/portal/.

STAFF TO THE BOARDS AND COMMISSIONS

Each Advisory Body is assigned a staff liaison to coordinate between the Advisory Body, the City Council, and the City Manager. Additionally, staff will notify Advisory Body members of pertinent issues and legislative activity, and arrange meetings, prepare meeting materials, and compile background information.

Generally, the Chair of the Advisory Body serves as the main point of contact with staff. Although Advisory Body members may contact their staff liaison with general requests related to their work as an Advisory Body member, all other items or significant work requests must be requested through the Chair.

Staff assignments and work priorities are determined by department work plans that are approved by the City Manager and the City Council on an annual basis. Additional staff work requests made by the board or commission must be approved by the City Manager.

SECTION 4: EXHIBITS

Email Communications Policy

Policies for Boards and Commissions

Open Public Meetings Act (“OPMA”) and Public Records Act (“PRA”) Basics

Burien Municipal Code (“BMC”) Chapter 2.50 - Boards and Commissions

CITY OF BURIEN POLICY (400-01)



Advisory Body Email Policy			Clerks and Council	400-01
Title			Index (Dept/Division)	Policy Number
01/01/2022	n/a	2	M. Gregor, City Clerk	<i>Brian J. Wilson</i>
Effective Date	Supersedes	# of Pages	Staff Contact	Approver By

1. PURPOSE:

- 1.1 The purpose of the policy is to establish guidelines for advisory body members on how to correspond, through email, Burien-related business activities.
- 1.2 This administrative policy establishes a uniform standard for Burien’s advisory bodies and how Burien business correspondence is managed through the use of email.
- 1.3 Burien personnel designated as points of contact are responsible for enforcing this policy.
- 1.4 This policy is subject to updates and changes to align to approved business requirements and processes.

2. DEFINITIONS:

- 2.1 Advisory Body Members – are individuals appointed by the Burien City Council and represented through the Planning Commission (PC), Business and Economic Development Partnership (BEDP), Parks and Recreation Advisory Board (P-RAB), Arts Commission, and Human Services Commission (HSC).
- 2.2 Burien Point of Contact – a staff member appointed to support an advisory body on behalf of the supporting Burien department. These departments and associated Points of Contact may change at any time.

Current Burien Points of Contact

Board or Commission	Name	Email	Department/Division
Planning Commission	Nicole Gaudette	planningcommission@burienwa.gov	Community Development
Business and Economic Development Partnership (BEDP)	Chris Craig	bedp@burienwa.gov	City Manager
Parks & Recreation Department Advisory Board	Casey Stanley	prab@burienwa.gov	PaRCS
Arts Commission	Gina Kallman	artscommission@burienwa.gov	PaRCS
Human Services	Colleen Brandt-Schluter	hsccommission@burienwa.gov	Human Services



3. SCOPE:

This policy outlines responsibilities and expectations of individuals appointed as advisory body members and their correspondence with Burien residents and others by email. Burien points of contact for each advisory body are also responsible for assisting and clarifying how correspondence for the record are archived and retained based on RCW 40.14.

4. ADVISORY BOARD MEMBERS:

4.1 Advisory body members may use personal email accounts to correspond to Burien residents and others.

4.2 Emails related to “city business” are subject to public disclosure. Therefore, it is recommended that advisory body members create separate ‘personal’ email accounts that are strictly for communications to others from Burien-related messages relating to Burien or advisory board business.

4.3 Members must complete training related to the Open Public Meetings Act (RCW 42.30 and RCW 42.32).

5. BURIEN POINTS OF CONTACT:

5.1 Assist advisory body members to determine what is Burien or advisory board business.

5.2 Review emails sent to the Burien email account assigned to each board or commission.

5.3 Assist in public disclosure requests related to advisory body email communications.

5.4 Notify ISD and the City Clerk’s Office of any changes to any appointed commission or board member’s term.

City of Burien
Policies for Boards and Commissions

ANTI-HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT

The City is committed to ensuring that the practices and conduct of all its employees comply with the requirements of Federal and State laws against employment discrimination. It is the policy of the City that all employees have the right to work in an environment free from harassment based upon their race, color, religion, gender, national origin, age, marital status, pregnancy, honorably discharged veteran or military status, sexual orientation, disability, or any other protected status or characteristic. Any such harassment of employees by their co-workers, supervisors or others in the workplace will not be tolerated.

A definition of all conduct that could constitute unlawful discrimination or harassment or other unlawful conduct is difficult, if not impossible, to create. For that reason the following list of examples of prohibited conduct is intended to be illustrative but not all-inclusive.

- Verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public.
- Slurs or demeaning comments to employees or members of the public relating to race, ethnic background, color, religion, national origin, pregnancy, age, marital status, sexual orientation, military or veteran status, or any other characteristic protected by law .

Sexual harassment is also a form of unlawful discrimination. Examples of prohibited conduct include but are not limited to:

- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- Verbal harassment of a sexual nature, including but not limited to lewd comments, sexual jokes or references, and offensive personal references;
- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
- The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, cartoons or photographs;
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.
- Solicitation or coercion of sexual activity, dates or the like with the implied or express promise of rewards or preferential treatment.
- Intimidating, hostile, derogatory, contemptuous or otherwise offensive remarks that are directed at a person because of that person's gender, whether or not the remarks themselves are sexual in nature, where the remarks cause discomfort or humiliation and interfere with the performance of the employee's duties.

REPORTING DISCRIMINATION OR HARASSMENT

Any person who believes he or she is a victim of or who observes any unlawful discrimination or harassment should immediately tell the offending individual how they feel and ask them to stop. If this approach is not

successful or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly, either verbally or in writing to a Department Director or the Human Resources Manager. Any Department Directors or supervisors who receive such reports from other employees shall immediately communicate the information to the Human Resources Manager or the City Manager.

The complaint will be immediately investigated. The City will determine the selection of the investigator, level of formality, and the procedures used in the investigation based upon the nature of the allegations and circumstances of the situation. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the City's need to undertake a full investigation. As soon as reasonable, investigative findings shall be submitted to the City Manager. If the investigation shows the accused employee engaged in unlawful harassment or discrimination, appropriate disciplinary action will be taken, up to and including termination.

The City will not permit retaliation or discipline against anyone who makes a complaint in good faith or who cooperates in an investigation of a harassment or discrimination complaint.

There may be instances in which an employee reporting harassment or discrimination seeks only to discuss the matter informally and does not wish the City to undertake an investigation or to take further steps. In such situations, the City may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment or discrimination should be aware that the City may decide it must take action to address the issue beyond informal means.

REPORTING IMPROPER GOVERNMENTAL ACTION (WHISTLEBLOWER PROTECTION ACT)

The City encourages its employees to report improper governmental action taken by City officers or employees and protects those employees who have reported improper governmental actions in accordance with the City's policies and procedures.

Definitions

For purposes of this policy, the following definitions shall apply:

Improper governmental action: Any action by a City officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and a) is in violation of any Federal, State, or local law; b) is an abuse of authority; c) creates a substantial and specific danger to the public health or safety; or d) is a gross waste of public funds.

Improper governmental action does not include personnel actions, including but not limited to, hiring, firing, complaints, promotions, reassignment, etc. In addition, employees are not free to disclose matters that would affect a person's right to legally protect confidential communications.

Retaliatory action: Any adverse change in the terms and conditions of a City employee's employment, or hostile actions by another employee that were encouraged by a supervisor, senior manager or City official.

Emergency: A circumstance that, if not immediately changed, may cause damage to persons or property.

Procedure for Reporting

An employee who becomes aware of improper governmental action should present the matter in writing to the City Manager detailing the basis for the employee's belief that an improper action has occurred. If the employee believes the improper action involves the City Manager, the employee should submit the written statement to the City Attorney. This should be done as soon as the employee becomes aware of the improper action.

The City Manager, City Attorney, or their designee shall promptly investigate the report of improper governmental action. After the investigation is completed, (within a reasonable time, generally within 30 days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

In the case of an emergency, as defined by this policy, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action. Outside agencies to which reports may be directed include:

King County Prosecuting Attorney

Washington State Auditor

King County Courthouse

Capital Campus

Room W554

P.O. Box 40021

516 Third Avenue

Olympia, WA 98504

Seattle, WA 98104-2362

(360)902-0370

(206)296-9000

Washington State Attorney General

1125 Washington Street SE

P.O. Box 40100

Olympia, WA 98504

(360)753-6200

If the above-listed agencies do not appear to be appropriate in light of the nature of the improper action to be reported, contact information for other state and county agencies may be obtained via the following links: <http://access.wa.gov/agency/agency.aspx> or

<http://www.kingcounty.gov/About/agencies.aspx>.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine

whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action, or, that for other reasons, the improper action is likely to recur.

Protection against Retaliation

It is unlawful for the City to take retaliatory or disciplinary action because an employee, in good faith, provided information that improper governmental action occurred.

Employees who believe they have been retaliated against for reporting an improper governmental action must provide a written complaint to the City Manager within 30 days of the occurrence of the alleged retaliatory action. If the City Manager is allegedly involved, the written complaint should go to the City Attorney. The written complaint shall specify the alleged retaliatory action and the relief requested.

The City Manager, City Attorney, or designee shall investigate the complaint and respond in writing within 30 days of receipt of the written charge.

After receiving the City's response, the employee may request a hearing before a State administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either 15 days of receipt of the City's response to the charge of retaliatory action or 45 days of receipt of the charge of retaliation to the City Manager or City Attorney for response.

Within five working days of receipt of a request for a hearing, the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence. The administrative law judge will issue a final decision not later than 45 days after the date of the request for hearing, unless an extension is granted.

Policy Implementation

The City Manager or designee is responsible for posting this policy on the City bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Department Directors and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of this policy and these procedures may result in disciplinary action, up to and including termination.

WORKPLACE VIOLENCE AND WEAPONS PROHIBITION

The City is committed to providing a safe workplace for its employees, guests, and the public. Threatened or actual workplace violence is strictly prohibited. This includes, but is not limited to, any of the following conduct occurring in or around the workplace, or otherwise related to employment:

- Threatening injury or damage against a person or property.
- Fighting or threatening to fight with another person.
- Threatening to use or the possession, custody, storage, or control of a weapon (an instrument or device of any kind which may be used to inflict bodily harm or injury, or to establish fear

simply due to its presence on the scene) on City premises including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other City owned property on which employees may work, unless the weapon is required to fulfill the employee's job duties, such as those of a police officer. Pepper spray and similar devices maintained for personal protection are permissible, provided that employees are responsible for ensuring that such devices are secure while at work.

- Abusing or injuring another person.
- Abusing or damaging property.
- Using obscene or abusive language or gestures in a threatening manner.
- Raising voices in a threatening manner.

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

Any employee who violates this policy will be subject to corrective or disciplinary action, up to and including termination.

VALUES AND BEHAVIORS

By **Trust** we mean relying on one another, based on mutual respect and a belief in the positive intent and competence of others . . .

- I fulfill my commitments and deliver results.
- I respect others' thoughts and ideas.
- I perform my tasks to the best of my abilities and encourage the same of others.
- I accept personal responsibility for my work.

By **Integrity** we mean staying true to our values and doing what is right even when no one is looking . . .

- I treat everyone with dignity and respect.
- I do what is ethical in all situations.
- I handle confidential information discreetly and appropriately.

By **Collaboration** we mean working together towards a common goal by sharing knowledge, learning and building consensus . . .

- I support and contribute to group efforts and goals.
- I work to achieve positive outcomes.
- I consider and build on others' thoughts and ideas.
- I utilize individual talents of team members.

By **Service** we mean what each of us does every day to make a meaningful contribution . . .

- I give my best efforts and take pride in all that I do.
- I anticipate needs and take action.
- I treat others as I would like to be treated.
- I am positive and helpful to all.

By **Communication** we mean open, honest, consistent and timely exchange of information leading to a shared understanding . . .

- I clarify and confirm what is expected of me.
- I give and receive constructive feedback.
- I share ideas and information, in a timely manner, to the appropriate party.

By **Excellence** we mean the pursuit of the highest standard . . .

- I use creative solutions and strategies to continually improve.
- I support the importance of life/work balance.
- I celebrate success.

Practice Tips FOR LOCAL GOVERNMENTS



The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency’s OPMA compliance. For more information and resources visit mrsc.org/opma.

BASIC REQUIREMENTS

- **All meetings open and public.** All meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the OPMA ([RCW 42.30.030](#)).
- **Quorum.** Generally, a gathering of the members of a governing body is subject to the OPMA when a quorum (majority) of the governing body is in attendance with the collective intent to take action, which includes discussion or deliberation as well as voting ([RCW 42.30.020](#)(2) & (3)).
- **Attendees.** All persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disorderly attendees may be removed ([RCW 42.30.040](#) & [.050](#)).
- **No secret ballots.** Votes may not be taken by secret ballot ([RCW 42.30.060](#)(2)).
- **Adoption of ordinances.** Ordinances, resolutions, rules, regulations, and orders must be adopted at a public meeting or they are invalid ([RCW 42.30.060](#)(1)).

POSITION IN AGENCY	REQUIRED TO COMPLY
Member of a governing body* <ul style="list-style-type: none"> • City or Town Councilmember or Mayor* • County Commissioner or County Councilmember • Special Purpose District Commissioner/Board Member 	Yes Yes Yes
Member of a subagency created by ordinance or legislative act, e.g.: <ul style="list-style-type: none"> • Planning Commission • Library Board • Parks Board • Civil Service Commission 	Yes Yes Yes Yes
Member of a committee <ul style="list-style-type: none"> • Committees that act on behalf of (exercise actual or de facto decision-making authority for) the governing body, conduct hearings, or take testimony or public comment • Committees that are purely advisory 	Yes No
Agency staff	No, unless agency employee is a member of a committee that is required to comply

* In a city with a “strong” mayor, the mayor does not count towards a quorum and is only subject to the OPMA when presiding over a council meeting or serving on a committee that is required to comply.

PENALTIES FOR NONCOMPLIANCE

- **Actions null and void.** Any action taken at a meeting which fails to comply with the provisions of the OPMA is null and void. [RCW 42.30.060\(1\)](#).
- **Personal liability.** Potential personal liability of \$500 for any member of a governing body who attends a meeting knowing that it violates the OPMA and \$1,000 for any subsequent OPMA violation. [RCW 42.30.120\(1\)\(2\)](#).
- **Agency liability.** Any person who prevails against an agency in any action in the courts for a violation of the OPMA will be awarded all costs, including attorney fees, incurred in connection with such legal action. [RCW 42.30.120\(2\)](#).

MEETINGS NOT SUBJECT TO OPMA

- **Quasi-judicial proceedings.** Typically, a city or county governing body is acting in a quasi-judicial capacity in certain land use actions such as site-specific rezones, conditional use applications, variances, and preliminary plat applications. Other examples include the civil service commission when it is considering an appeal of a disciplinary decision and the LEOFF disability board when it is considering an application for disability benefits. However, where a public hearing is required for a quasi-judicial matter, only the deliberations by the body considering the matter can be in closed session. See [RCW 42.30.140](#).
- **Collective bargaining sessions.** Collective bargaining sessions with employee organizations are not subject to OPMA requirements and may occur in closed session without following OPMA procedures. This exemption applies to contract negotiations, grievance meetings, and discussions about the interpretation or application of a labor agreement or to that portion of a meeting when the governing body is planning or adopting its strategy during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings in progress. See [RCW 42.30.140](#).
- **Note:** Jurisdictions may choose to conduct these proceedings in an open meeting despite the statutory exemption.

OPMA TRAINING REQUIREMENTS

- Every member of a governing body of a public agency must complete training requirements on the OPMA within 90 days of assuming office or taking the oath of office. [RCW 42.30.205\(1\)](#).
- In addition, every member of a governing body must complete training at intervals of no more than four years as long as they remain in office. [RCW 42.30.205\(2\)](#).

DISCLAIMER: These practice tips are meant to provide summary information on basic agency obligations of the OPMA; the practice tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel for guidance on specific situations.

Practice Tips FOR LOCAL GOVERNMENTS



These practice tips are intended to provide practical information to local government officials and staff about electronic communications and requirements under the Open Public Meetings Act (OPMA), [chapter 42.30 RCW](#). Electronic communications between members of an agency’s governing body can implicate the OPMA, and these practice tips will help guide you in identifying and addressing key issues in this regard. For more information and resources visit mrsc.org/opma.

ELECTRONIC COMMUNICATIONS CAN CREATE AN ILLEGAL “SERIAL” MEETING

If you, as a member of the governing body (e.g., city council, board of commissioners, planning commission), communicate with other members of the governing body by email or using social media, keep in mind that exchanges involving a majority of members of the governing body can be considered an illegal “meeting” under the OPMA. This principle also applies to text messaging, instant messaging, and the “chat” feature of video-conferencing software.

What types of email exchanges can constitute a meeting?

If a majority of the members of the governing body takes “action” on behalf of the agency through an email or other electronic exchange such as social media, that would constitute a meeting under the OPMA. “Action” under the OPMA includes mere discussion of agency business, and that any “action” may be taken only in a meeting open to the public. The participants in the email exchange don’t have to be participating in that exchange at the same time, as a “serial” or “rolling” meeting happens when a majority of the body are involved in the exchange. However, the participants must collectively intend to meet to conduct agency business.



Tips: As a member of the governing body, consider the following to avoid potential OPMA violations:

- Passive receipt of information via email is permissible, but discussion of issues via email by the governing body can constitute a meeting.
- An email message to a majority or more of your colleagues on the governing body is allowable when the message is to provide only documents or factual information, such as emailing a document to all members for their review prior to the next meeting.
- If you want to provide information or documents via email to a majority of members of the governing body, especially regarding a matter that may come before the body for a vote, have the first line of the email clearly state: “For informational purposes only. Do not reply.” Consider using the “BCC:” email line for all those who should not “reply all.”
- Unless for informational purposes only, don’t send an email to all or a majority of the governing body, and don’t use “reply all” when the recipients are all or a majority of the members of the governing body.
- Alternatively, instead of emailing materials to your colleagues on the governing body in preparation for a meeting, have a designated staff member email the documents or provide hard copies to each member. A staff member can communicate via email with members of the governing body in preparation for a meeting, but the staff member needs to take care not to share any email replies with the other members of the governing body as part of that email exchange.

PHONE CALLS AND VOICE MESSAGES CAN CONSTITUTE A MEETING

As with email exchanges, if a majority of the members of the governing body is taking “action” (see above) on behalf of the agency through phone calls or a voice mail exchange, that would constitute a meeting. Such a “telephone tree” occurs, for example, when members call each other to form a majority decision. As above, the calls and messages can constitute a serial or rolling meeting if the members collectively intend to meet and conduct agency business.



Tip: Be on the look out for mixed media. A conversation need not be held entirely in the same format for a rolling or serial meeting to occur. For example, an in-person conversation might be continued on via email and then transition to text.

KEY CONSIDERATION RELATED TO CONFERRING TO CALL A SPECIAL MEETING

Under [RCW 42.30.080](#), a special meeting (in contrast to a regular meeting) may be called at any time by the presiding officer of the governing body or by a majority of the members of the governing body. In order to give effect to this authority granted under [RCW 42.30.080](#), we believe it’s permissible for a majority of the members of the governing body to confer outside of a public meeting for the sole purpose of discussing whether to call a special meeting. This includes conferring for that purpose via phone, email or other electronic means.

USE OF SOCIAL MEDIA CAN IMPLICATE THE OPMA

If members of the governing body use social media (e.g., through a Facebook page or Twitter feed) to host a discussion about issues related to the agency and the discussion includes comments from a majority of the members of the governing body, that discussion could constitute a public meeting under the OPMA. There’s no authority under the OPMA regarding what would constitute adequate public notice – if that’s even possible – for this kind of virtual meeting, so it’s best to avoid this type of discussion on social media.



Tip: Social media can be an effective tool to solicit comments from the public, but social media shouldn’t be used by your agency’s governing body to collectively formulate policy or accept public testimony.

FAILURE TO COMPLY WITH THE OPMA CAN BE COSTLY

Violation of the OPMA can result in personal liability for officials who knowingly violate the OPMA and in invalidation of agency actions taken at a meeting at which an OPMA violation occurred. Attorney fees and court costs are awarded to successful OPMA plaintiffs. OPMA violations can also lead to a loss of public trust in the agency’s commitment to open government.









DISCLAIMER: These practice tips are meant to provide practical information to local government officials and staff about electronic records and requirements under the OPMA. The tips aren’t intended to be regarded as specific legal advice. Consult with your agency’s attorney for guidance on specific situations.









ELECTRONIC RECORDS – PRA AND RECORDS RETENTION

Do's and Don'ts FOR LOCAL GOVERNMENTS



These Do's and Don'ts are intended to provide summary guidance related to use of electronic records and electronic devices in compliance with the Public Records Act (PRA) ([chapter 42.56 RCW](#)) and records retention law ([chapter 40.14 RCW](#)). For a more thorough analysis of these issues, please review our related guide: [Electronic Records – PRA and Records Retention Practice Tips](#), which can be found along with other information at our webpage: [Managing Electronic Records](#).

	DO	DON'T
Agency Computer	 Do use your agency computer to conduct agency business. This allows your agency to retain records appropriately and locate such records in response to a PRA request.	 Don't delete records from your agency computer (or any computer) unless you're certain the records aren't public records, or the records are past their required record retention period . (If you have any doubt about deleting records, check with your agency's legal counsel.)
Personal Computers	 Do use your personal computer to remotely access your agency's file server and email server (if your agency allows for such remote access).	 Don't use your personal computer to conduct agency business unless you do so by accessing your agency's server(s) remotely. If that's not possible and you use your personal computer to conduct agency business, make sure that you: <ul style="list-style-type: none"> • Retain all public records with retention value; and • Provide those records to your agency so the agency can retain the records appropriately and make them available if a PRA request is made for such records.
Agency Email Account	 Do use your agency email account to conduct agency business. This allows your agency to retain its records appropriately and to locate such records in response to a PRA request.	 Don't delete emails sent or received from your agency email account unless you're certain the emails aren't public records, or the emails are past their required record retention period . (If you have any doubt about deleting emails, check with your agency's legal counsel.)
Personal Email Account	 Do forward any agency-related emails received on your personal email account to your agency email account. Do instruct the sender that you don't conduct agency business via your personal email account(s), and to send all emails related to agency business to your agency email address.	 Don't use your personal email account for agency business, unless your agency doesn't provide agency email accounts. If you must use a personal email account for agency business, set-up a unique email account solely for agency business, clearly segregate agency-related emails from personal emails, and provide all agency-related emails to your agency so those records can be retained appropriately and made available if a PRA request is made for such records.

	DO	DON'T
Texting or Chatting on Agency Devices and Personal Devices and Accounts	 Do follow your agency policy related to texting and chatting. If your agency doesn't have a policy, make sure you're retaining all agency-related text messages for their full retention period. Remember that retention is based on content of the records, not its form. If you send or receive agency-related text or chat messages via a non-agency device, provide those messages to your agency so they can be retained appropriately and made available if a PRA request is made for such records.	 Don't text or chat in violation of your agency's policy. Don't use texting or chatting for agency-related business without a clear understanding of how those messages are being retained by the provider (e.g., phone company, software platform) and by your agency. Text and chat messages, like emails, can be public records that must be retained by your agency. Such records need to be provided if responsive to a PRA request; this is true even for text or chat messages on your personal phone or accounts.
Voice Mail Messages on Agency Phones and Personal Phones	 Do, if possible, capture all agency-related voice mail messages through an integrated voice mail and email system. If that's not possible, save voice mails with retention value through other means.	 Don't delete all agency-related voice mails once you have listened to them. Like email and text messages, voice mails can be public records that must be retained by your agency, and such records may need to be provided in response to a PRA request.
Agency Social Media	 Do try to post only secondary copies of content on agency social media sites. That way, the agency won't have to separately retain all of the content of the social media sites. If that's not possible, your agency should consider purchasing software that captures and archives social media sites. For guidance on selecting records management software, see MRSC's PRA and Records Management Technology Guide .	 Don't set up and use an agency social media site, or edit and delete content on your agency's social media site(s), without first considering and complying with records retention and PRA requirements.
Personal Social Media	 Do follow your agency's policy related to use of personal social media. Do abstain from discussing agency business via your personal social media accounts. If you post or exchange agency-related communications via your personal site, make sure you comply with records retention and PRA requirements.	 Don't conduct agency business via your personal social media site. Agency-related records can be public records, subject to retention requirements and the PRA, even if the records are located on your personal social media site. If you're an incumbent elected official who is a candidate, don't mix your election activities with agency business via use of social media.

DISCLAIMER: These Do's and Don'ts are meant to provide summary tips related to use of electronic records and electronic devices in compliance with the PRA and the records retention law. The tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney guidance on specific situations.

Practice Tips FOR LOCAL GOVERNMENTS



These practice tips are intended to provide practical information to local government officials and staff about electronic records and requirements under the Public Records Act (PRA) ([chapter 42.56 RCW](#)) and records retention law ([chapter 40.14 RCW](#)). The tips are based on real-world experiences, as played out in our courts and otherwise. For more information and resources visit mrsc.org/prs and our webpage on [Managing Electronic Records](#).

KEY INITIAL POINT

The vast majority of records – including electronic records – that agencies deal with are public records. That said, it's also important to recognize that:

- Not all records prepared, owned, used, or retained by an agency are public records. If the record does not relate to the conduct of government or the performance of any governmental or proprietary function.
- Not all public records have retention value.

KEY TERMS AS USED IN THESE PRACTICE TIPS

Electronic record: An electronic record (e-record) is a record you can access through an electronic device. E-records include documents, emails, voice messages, texts, tweets, instant messages, photos, and videos.

Electronic device: An electronic device (e-device) is any device you can use to access e-records. E-devices include desktop computers, laptops, smart phones, other cell phones, and tablets.

KEY PRINCIPLES FOR ELECTRONIC RECORDS

- **Think before you “POUR.”** Regardless of the e-device you use to create or access an e-record, if that e-record, no matter its form, is **pre**pared, **own**ed, **u**sed, or **ret**ained by the agency, and relates to the conduct of government or the performance of any governmental or proprietary function, it's a public record. Remember, agencies act exclusively through their employees and officials. Thus, the work product you send (and receive) while acting in your employment or official capacity – regardless of whether it resides on a personal device or an agency device – is a public record.
- **Establish agency policies/procedures.** Agencies should adopt effective policies and/or procedures related to e-communications and e-devices, including appropriate use and retention requirements.
- **Failure to comply can be costly.** Knowledge of, and compliance with, the rules that apply to production and retention of e-records and use of e-devices is essential, because even inadvertent mistakes can result in serious consequences for your agency.



What kind of consequences? If a PRA requester wins in court, an agency will be subject to daily penalties ranging from \$0-\$100 per day (the trial court decides the amount, and can impose penalties per day and per page), and the court will award attorney fees and costs to the requester. In the context of records retention requirements, it's a felony to willfully and unlawfully destroy public records. Also, lack of compliance commonly leads to lost productivity because agency resources are diverted from other tasks to defend the agency's actions, as well as to a loss of public trust in the agency's commitment to open government. See, e.g., [RCW 42.56.550](#) (PRA penalties); [chapter 40.16 RCW](#) (injury to and misappropriation of a public record).

- **Be aware of metadata.** Metadata is data about data, or hidden information, about e-records that's automatically created by software programs, and which describes the history, tracking, and/or management of an e-record. Metadata is subject to the PRA, but a requester must specifically ask for metadata for an agency to be required to produce it. See, e.g., [O'Neill v. City of Shoreline](#) (2010).

E-DEVICE



Should I Use My Agency E-Device or My Personal E-Device for Agency Business?

It's best to use only agency-issued e-devices to conduct agency business. By doing so, you allow your agency to properly retain its public records and locate those records in response to a PRA request. Also, you eliminate the basis for a search of your personal e-devices in response to a PRA request (see below).

But What If I Happen to Use a Non-Agency E-Device to Conduct Agency Business?

Preferred option: If agency staff and officials will be using e-devices to conduct agency business off-site and/or remotely, we recommend that your agency set-up a remote system that allows agency personnel to securely access the agency's network via non-agency devices.

Alternative option if your agency doesn't have such a remote access system: If you don't have the option of accessing your agency's system remotely as above described, it's critical to ensure that agency and non-agency e-records are easily distinguishable and not mixed together on your non-agency e-device. This can be done, for example, by keeping all of your agency related e-files in a separate folder.

But keep in mind ... If you use a non-agency e-device to conduct agency business, that device could be subject to a search in response to a PRA request.

Don't I Have Privacy Rights Related to My Personal E-Devices?

Yes, but public employees and officials have no constitutional right to privacy in a *public* record. As an alternative to submitting your personal e-device to the agency for a responsive records search, you have the option of conducting your own search of your device. If you do conduct your own search, work with your agency's legal counsel on drafting a detailed affidavit describing the extent of your search and if personal records have been withheld, provide sufficient facts to show these records are not public records and, thus, not responsive.

TEXT MESSAGE



Can I Send Agency-Related Text Messages from a Cell Phone or Smartphone?

Yes, but remember that work-related texts sent and received by employees and officials when acting within the scope of their employment are a public record, even if located on a personal phone. If you use texting (or instant messaging) to conduct agency business, key considerations for you and your agency relate to who has custody and control of the record, and how to access and retain such records. Commonly, the service provider (e.g., phone company) will retain texts only for a limited time (e.g., 5-10 days).

Tip: If texting is used to conduct agency business, consider adopting and enforcing an agency policy that limits texting to those for whom it's truly necessary (e.g., for specified law enforcement and emergency management functions). The policy should address whether work-related texting is allowed from personal phones. If such texting is allowed on personal phones, the agency should have a plan for obtaining those public records. Consider investing in capture tools (i.e., software) to capture all texts on agency devices and retain those that have retention value.

E-MAIL



Should I Use My Agency Email Account or My Personal Email Account for Agency Business?

It's best to use only an agency-issued email account for agency business. Just like use of agency e-devices, use of agency email accounts allows your agency to properly retain its emails and locate them in response to a PRA request. This principle applies as well for other e-communications related to agency business (e.g., texts, instant messages, tweets).

But What If I Happen to Use a Non-Agency E-Device to Conduct Agency Business?

If this occurs, forward that email to your agency email account and advise the sender that you don't use your personal email address to conduct agency business, and to send any future agency-related emails to your agency email address.

But What If My Agency Doesn't Have Agency-Issued Email Accounts?

Urge your agency to establish an email system that allows the agency to assign individual addresses to each official and staff member. If the agency doesn't set up an agency email system, you should create a separate email account that's used solely for agency business (e.g., commissioner-jones@gmail.com, councilmember-robertson@msn.com).

And keep in mind ... If you use a non-agency email address/account, consult with your agency's public records officer and legal counsel to address issues such as determining how those records will be retained in compliance with records retention law, and how the records will be located and made available in response to a PRA request. Remember that retention is based on content of the record, not its form.

VOICE MAIL



Do I Have to Keep Voice Mail Messages?

If a voice mail message relates to agency business and it has retention value, that message needs to be captured electronically and, if that's not possible, the content of the message needs to be saved in some other manner.

Tip: The agency should have a voice message system that allows it to capture voice mail messages electronically, such as through an integrated voice mail and email system, so all voice messages are created also as e-files that become part of the email system. If that's not possible, it's recommended that the agency save voice mail messages through some other means.

SOCIAL MEDIA



What Are Some Public Records Considerations Related to Social Media?

Facebook and Twitter, for example, can be effective tools to connect with the public. But, if your agency is going to create social media accounts, public records considerations need to be thought through and addressed. Unless the agency is posting only secondary copies of agency records to, for example, the agency's Facebook page or Twitter feed, it's advisable to presume that all posts, comments, and tweets are public records and to consider how to manage posts and tweets, retain such records, and use software tools to capture those records. For more guidance, see MRSC's [Social Media Policies](#) pages.

Tip: Don't use your personal Facebook page, Twitter feed, or blog for agency business. It's advisable for agencies to have clear and enforceable policies regarding such activities. Also, if you're an incumbent elected official who is a candidate, don't mix your election activities with agency business.

DISCLAIMER: These practice tips are meant to provide practical information to local government officials and staff about electronic records and requirements under the PRA and records retention law. The tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney guidance .

Chapter 2.50
BOARDS AND COMMISSIONS Revised 10/21

Sections:

[2.50.010 Creation.](#) Revised 10/21

[2.50.020 Membership.](#) Revised 10/21

[2.50.030 Meetings.](#) Revised 10/21

[2.50.040 Duties and responsibilities.](#) Revised 10/21

[2.50.050 City staff support.](#) Revised 10/21

2.50.010 Creation. Revised 10/21

The authority of boards and commissions are limited to the duties listed in BMC [2.50.040](#).

(1) Arts Commission. The Burien city council created the arts commission to provide advice to the city council on arts, culture programs, and projects; initiate or sponsor programs to increase public awareness of and interest in fine and performing arts and cultural activities; obtain private, local, state, and federal funds to promote art projects in Burien; advise the council and Burien staff on obtaining or purchasing artwork for municipal installation; and work with local schools and arts organizations for Burien's benefit.

(2) Business and Economic Development Partnership ("BEDP"). The Burien city council created the Burien business and economic development partnership to provide advice to the city council on Burien's economic development through the analysis, consideration, improvement, and review of economic development components of Burien's comprehensive plan, and to make recommendations to the city council on economic development programs and priorities.

(3) Human Services Commission. The Burien city council created the human services commission to provide advice to the city council on human services issues in Burien and human services funding allocations by reviewing human services requests and making funding allocation recommendations; to review the performance of Burien-funded human services agencies and programs, and to make recommendations on how human services can be more effectively, cost-efficiently, or better provided in Burien.

(4) Parks and Recreation Advisory Board ("P-RAB"). The parks and recreation advisory board was created to provide advice to the Burien city council on park-related concerns such as: the use and acquisition of land for parks, trails, and P-RAB facilities; the creation and objectives for P-RAB recreation programs; the identification and pursuit of grants for P-RAB purposes; and the care for trees and other vegetation on parks property.

(5) Planning Commission. The planning commission was created to advise and make recommendations to the Burien city council on Burien's future growth through analysis, review, and recommendations regarding Burien's comprehensive plan and related land use documents. [Ord. 766 § 2, 2021]

2.50.020 Membership. Revised 10/21

(1) The Number of Members.

- (a) Arts commission shall consist of nine voting members.
- (b) BEDP shall consist of 14 appointed members, 11 voting members, and three nonvoting ex officio members, one of whom shall be the city manager.
- (c) Human services commission shall consist of seven voting members.
- (d) Parks and recreation advisory board shall consist of seven voting members.
- (e) Planning commission shall consist of seven voting members.

(2) Composition.

- (a) Arts Commission. Members must be Burien residents.
- (b) BEDP. To the extent possible, members must be Burien business owners, managers, and employees; commercial property owners; chambers of commerce and merchants' associations; residents; employment and job training services; educators; and other stakeholders. In addition, if appointed, representatives from Discover Burien, the Seattle Southside Chamber, and the King County Labor Council shall be nonvoting ex officio members.
- (c) Human Services Commission. At least five of the appointed members must be Burien residents and the other two members shall be community stakeholders.
- (d) Parks and Recreation Advisory Board. Members must be Burien residents.
- (e) Planning Commission. Members must be Burien residents.

(3) Appointment and Terms. The city council shall appoint all board and commission members for four-year terms from April 1st to March 31st, or until a member's successor is duly appointed and confirmed.

(4) Board and Commission Handbook. Every board and commission member is expected to be familiar with and comply with the Board and Commission Handbook. The Board and Commission Handbook is a code of conduct that each board and commission member is required to sign before

being appointed. Each board and commission member is expected to comply with the Board and Commission Handbook after a council amendment whether they have signed an amended copy or not.

(5) Recommendations and Advice. All board and commission recommendations involving an expense to Burien shall contain project funding source options and financial records detailing the projected expenses related to the project or program.

(6) Limitations and Eligibility. Board and commission members may not serve more than two consecutive full terms. After a two-year absence, members may be reappointed subject to the membership requirements stated above. City of Burien employees are not eligible to be appointed on any of the boards or commissions.

(7) Alternate Members. The city council may appoint up to two alternate members to each board or commission to serve in the absence of regular members. The alternates' membership terms shall be two years.

(8) Chair and Vice-Chair. The board and commission members shall elect from among its members a chair who shall preside at all meetings and a vice-chair who shall preside if the chair is absent.

(9) Removal.

(a) All board and commission members serve at the city council's pleasure and have no right or possessory interest in their board or commission membership.

(b) Any board and commission member may be removed by a majority vote of the city council. The city council's decision shall be final and there shall be no right of appeal. The council may convey the removal directly or through the city manager.

(c) The city council may remove board and commission members if they have absences totaling 25 percent or more of the regularly scheduled meetings for the calendar year or three consecutive unexcused absences.

(d) The city council may remove board and commission members if a council majority finds that a member has violated the Board and Commission Handbook code of conduct.

(e) Board and commission members may also be removed at the recommendation of the majority of a board or commission if the city council chooses to follow the recommendation.

(10) Vacancies. Vacancies occurring before the expiration of the term shall be filled for the unexpired term in the same manner as for appointments as provided in this chapter.

(11) Compensation. No commission member shall receive any compensation for his or her services from the city of Burien, a Burien resident, a person with an interest in a matter before the board or

commission, or anyone else. [Ord. 766 § 2, 2021]

2.50.030 Meetings. Revised 10/21

(1) Types of Meetings. The boards and commissions shall hold such regular and special meetings as necessary to complete its responsibilities. Board and commission majorities shall constitute a quorum for the transaction of business and a majority vote of members present shall be sufficient to carry any motion.

(2) Code of Conduct. The boards and commissions may adopt bylaws, subject to the city council's approval. Those bylaws and the board and commission members remain subject to the Board and Commission Handbook.

(3) Rules of Order. Robert's Rules of Order, 12th Edition, shall be used to guide meeting conduct.

(4) Minutes. The recording secretary shall prepare minutes for all meetings, which shall contain an account of all of the board or commission's official actions, and which will constitute the board or commission's official record.

(5) Schedule. Each January, under RCW 42.30.075, the board or commission will announce its regularly scheduled meetings to be provided to the public. [Ord. 766 § 2, 2021]

2.50.040 Duties and responsibilities. Revised 10/21

The board or commission shall be an advisory body to the city council responsible for:

(1) Arts Commission. Developing cooperation and coordination with schools and local, regional, and national arts organizations; conducting, initiating, and sponsoring programs calculated to further public awareness of and interest in fine and performing arts and/or the cultural activities in the city of Burien; exploring ways to obtain private, local, state, and federal funds to promote art projects in Burien; advising and assisting the city council and staff in connection with such other artistic and cultural activities as may be referred to it by the city council or by an ordinance or other duties as assigned by the city council.

(2) BEDP. Providing advice on Burien's economic growth and development including making recommendations annually for changes to the Burien comprehensive plan in order to promote and enhance economic development, on economic development programs and priorities, or other duties as assigned by the city council.

(3) Human Services Commission. Providing advice and recommendations related to human services issues including identifying and assessing the human services needs in the city; recommending priorities and approaches to address human services needs within the city; reviewing human services funding requests submitted to Burien; making funding allocation recommendations; reviewing performance of human services agencies/programs that Burien funds; and other duties as assigned by the city council.

(4) Parks and Recreation Advisory Board. Advising the city council and the city manager regarding the acquisition, improvement, maintenance, promotion, and use of city parks; advising the city council on recreational programs and events; advising the city council on available grants to support city parks; advising and making recommendations to the city council and the city manager regarding issues relating to regulations and care for public trees and other vegetation in a manner that ensures its viability for future generations; or other duties as assigned by the city council.

(5) Planning Commission. Providing advice and recommendations for Burien's future growth including review and recommendations relating to the city of Burien's comprehensive land use plan; tasks under Chapter 17.50 BMC regarding residential condominium binding site plan review process; under BMC 17.65.040, possible public hearings related to subdivisions; recommendations regarding the affordable housing demonstration program under BMC 19.18.020; conducting study sessions and public hearings and making recommendations under BMC 19.65.080 and 19.65.095; and relating to changes to the official zoning map and zoning code; or such other and future duties as assigned by the city council.

(6) Yearly Report. Each board or commission shall submit to the city council once each year a report of accomplishments for the previous year and work-plan recommendations for the upcoming year. [Ord. 766 § 2, 2021]

2.50.050 City staff support. Revised 10/21

Administrative staff support shall be provided by a city manager designee. Staff shall be responsible for the agenda packets, written record of the proceedings, and such other reasonable support as necessary to enable the board or commission to conduct business and carry out its duties and responsibilities. [Ord. 766 § 2, 2021]